

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 10-0138
ELECTRONICALLY FILED

v.

ADAMA CARPENTER,

Defendant.

**MEMORANDUM ORDER OF COURT RE: PRO SE DEFENDANT'S
CORRESPONDANCE/MOTION FOR CREDIT FOR TIME SERVED (DOC. NO. 23)**

On July 20, 2010, the supervision of former federal inmate Adama Carpenter was transferred to this Court from the United States District Court for the Northern District of West Virginia. Doc. No. 1. Carpenter was subject to federal supervision due to his June 12, 2001 entry of a guilty plea to one count of possession with intent to distribute crack cocaine, in violation of 21 U.S.C. § 841A. Doc. No. 1-1, pg. 6. On October 31, 2001, Carpenter was sentenced to a term of imprisonment of 121 months, 5 years supervised release, and \$100.00 special assessment. Doc. No. 1-1, pg. 10. It was further ordered that 50% of any monies earned or received would be allocated to Carpenter's child-support obligations and arrearages. Id. Carpenter's term of imprisonment was subsequently reduced to 97 months pursuant to 18 U.S.C. § 3582. Id. at pg. 14. It appears that Carpenter was released from imprisonment on December 24, 2008. Doc. No. 2.

A Petition on Supervised Release was filed with this Court contemporaneously with the transfer of jurisdiction, based upon Carpenter's July 15, 2010 arrest for recklessly endangering another person, former convict not to own a firearm, firearms not to be carried without a license, fleeing or attempting to elude police officer, and tampering with or fabricating physical evidence.

Doc. No. 2. Following a revocation hearing, this Court found that Carpenter had violated the terms of his supervised release and sentenced him to 24 months incarceration to be followed by a 36 month term of supervised release. Doc. No. 18.

Presently before this Court is a letter mailed to this Court in which Carpenter requests that the time he was detained in the Allegheny County Jail from August 1, 2010 to November 16, 2010 (his “sentencing date”) be credited towards the calculation of his term of imprisonment. Doc. No. 23. Carpenter states that he is serving a five-ten year term of imprisonment at SCI Greene and he has made positive changes in his life, including completing certifications for dog obedience training, dog grooming, and OSHA, as well as completing an anger management course. Id.

As a preliminary matter, the Court notes that all correspondence to the Court must be in the form of a motion, addressed and mailed to the Clerk of Court. Secondly, the Court congratulates Carpenter for making positive changes while he has been incarcerated and encourages him to continue to do so. However, the Court cannot address Carpenter’s requested relief because it is not an appropriate forum for such relief.

The calculation of time served is vested with the penal institutions (Pennsylvania Department of Corrections or Federal Bureau of Prisons) and inmates must exhaust their administrative remedies through internal grievance processes before petitioning a Court for relief. A petition for review in the appropriate Court of the Commonwealth of Pennsylvania would allow for redress of any administrative decisions from the Pennsylvania Department of Corrections. *See McCray v. Pennsylvania Department of Corrections*, 872 A.2d 1127, 1130-31 (Pa. 2005). A petition for writ of habeas corpus, filed in the district wherein the person is in custody, accords a mechanism for relief from decisions of the Federal Bureau of Prisons. 28 U.S.C. § 2241.

Accordingly, to the extent that Carpenter's correspondence to this Court (Doc. No. 23) may be construed as a motion, said motion is **DENIED**.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

Mr. Adama Carpenter
KM9227
175 Progress Drive
Waynesburg, PA 15370